

REMARKS

Applicant requests entry of the Amendment filed December 20, 2002, in response to the final Office Action mailed July 1, 2002. Upon entry of the Amendment filed December 20, 2002, claims 1, 2-11, 13, 14, 17-27, 31-35 and 40-42 are pending.

Applicant further requests entry of the present Preliminary Amendment. The Preliminary Amendment is filed to address the issues raised in the Advisory Action mailed January 8, 2003. Claims 1, 3, 17, 19, 27, 31, 32, 33, 40, 41 and 42 are currently amended. Support for the amended claims can be found throughout the specification. Claims 1, 2-11, 13, 14, 17-27, 31-35 and 40-42 are pending and at issue. Attached is a marked-up version of the changes being made by the current amendment. Applicant respectfully requests reconsideration of the present application.

I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 17 and 27 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses the pending rejection.

The term "helper" adenovirus has been deleted from claims 13 and 19.

The term "carrier means" has been deleted from claim 27. In addition, claim 27 recites a vector system of "claim 1, claim 17, claim 18 or claim 19."

Claims 1, 13, 17, 31, 32, 33, 40, 41 and 42 have been amended to recite an "adenovirus" 52/55 kDa protein.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

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Serial No. : 09/488,867
Filed : January 21, 2000
Page : 13

Attorney's Docket No.: 11203-002001 / UM 1750

CONCLUSION

In summary, for the reasons set forth herein, Applicant maintains that claims 1, 2-11, 13, 14, 17-27, 31-35 and 40-42 clearly and patentably define the invention. Applicant respectfully requests that the Examiner reconsider the various grounds set forth in the Office Action, and allow the claims which are now pending.

If the Examiner would like to discuss any of the issues raised in this response, Applicants' representative can be reached at (858) 678-5070.